

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 April 2008 has been entered.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Kristi Kuhnert on 12 April 2008.

The application has been amended as follows:

#### **In The Claims**

1. (Currently Amended) An open back weather guard for shielding telecommunications equipment, comprising:

a frame comprising a plurality of interconnected rigid members defining a supporting structure, the frame further comprising:

a pair of opposed horizontal transverse members rigidly attached to a pair of opposed cross members substantially perpendicular to the transverse members forming a substantially horizontal rigid body;

at least one downwardly extending vertical support member connected to the horizontal rigid body, the at least one vertical support member is connected to one of the cross members;

at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member;

a membrane attached to the frame defining an opening, wherein the membrane forms a shield for electronic devices against environmental conditions inside the opening; and

a fastener for removably attaching the weather guard to at least one of an enclosure or an exterior portion of the structure around an opening.

11. (Currently Amended) A closed back weather guard for shielding telecommunications equipment, comprising:

a frame comprising a plurality of interconnected rigid members defining a supporting structure, the frame further comprising:

a pair of opposed horizontal transverse members rigidly attached to a pair of opposed cross members substantially perpendicular to the transverse members forming a substantially horizontal rigid body;

at least one downwardly extending vertical support member connected to the horizontal rigid body, the at least one vertical support member is connected to one of the cross members;

at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member;

a membrane attached to the frame defining an opening, wherein the membrane forms a shield for electronic devices against environmental conditions inside the opening;

first and second back panels forming a back cover of the weather guard, wherein the first and second back panels are adapted to releasably fasten to each other; and

a fastener for removably attaching the weather guard to at least one of an enclosure or an exterior portion of the structure around an opening.

19 (Cancelled)

### *Reasons for Allowance*

The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a nonobvious improvement over the invention published in U.S. Application No. 4355650 (Beaudry) and U.S. Patent No. 4,884,589 (Simpson).

With respect to independent claims **1, 4** and **5**, the nonobvious improvement comprises an open/closed back weather guard for shielding telecommunications equipment, comprising:

a frame comprising a plurality of interconnected rigid members defining a supporting structure, the frame further comprising:

a pair of opposed horizontal transverse members rigidly attached to a pair of opposed cross members substantially perpendicular to the transverse members forming a substantially horizontal rigid body;

at least one downwardly extending vertical support member connected to the horizontal rigid body, the at least one vertical support member is connected to one of the cross members;

at least one bracket comprising a first end and a second end, the first end is attached to the horizontal rigid body and the second end extends downwardly at an angle  $\theta$ , wherein the second end of the at least one bracket tapers such that it is attached to the vertical support member;

a membrane attached to the frame defining an opening, wherein the membrane forms a shield for electronic devices against environmental conditions inside the opening; and

a fastener for removably attaching the weather guard to at least one of an enclosure or an exterior portion of the structure around an opening, as substantially described and connected with the other limitations recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**  
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 14, 2008

/Phylesha L Dabney/  
Examiner, Art Unit 2614

//Curtis Kuntz//

Supervisory Patent Examiner, Art Unit 2614